

### **DETAILED ACTION**

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
2. Acknowledgement is made of Applicants' After-Final reply received on 01/04/2010.

#### ***Status of the Claims***

3. Claims 23-37 have been added and Claims 1-15 have been cancelled by the Applicant in correspondence filed on 01/04/2010. Claims 16-37 are currently pending.
4. Examiner notes that Applicants indicate that Claim 23 is currently pending in After-Final reply filed on 01/04/2010. However, Claim 23 was introduced in an After-Final amendment that was received on 12/01/2009 but was not entered because it was drawn to nonelected subject matter. Thus, Claim 23 is considered to be introduced for the first time on 01/04/2010.

### **RESPONSE TO ARGUMENTS**

5. Claims 1-15 were rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for a method of inhibiting 11 $\beta$ -HSD-1 comprising administration of the entire scope of the compounds of formula II. This rejection is moot in light of Applicants' cancellation of Claims 1-15.
6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by

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37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

#### EXAMINER'S AMENDMENT

7. Authorization for this examiner's amendment was given in a telephone interview with Ms. Heidi Struse on 01/05/2010.

The application has been amended as follows:

A. Claims 16-22 have been **DELETED** in their entirety.

B. Claim 23, lines 1-76, the following has been **DELETED**:

"of treating condition . . . wherein the compound of structural formula I is"

C. Claim 23, line 1, the following has been **INSERTED** following the word "method":

-- of inhibiting 11 $\beta$ -hydroxysteroid dehydrogenase-1 in a mammal comprising administering to said mammal an inhibitory amount of a compound--

D. Claims 24-37 have been **DELETED** in their entirety.

#### REASONS FOR ALLOWANCE

8. The following is an examiner's statement of reasons for allowance: the prior art does not anticipate or render obvious the ten compounds of Claim 23. The enablement rejection over Claims 1-15 (no canceled) was due to the fact that although the specification provided an assay for the skilled artisan to determine which compounds of formula II are 11 $\beta$ -HSD-1 inhibitors, the specification does not actually demonstrate that any of the compounds of formula II are said inhibitors. Aster, et al. (Bioorganic &

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Medicinal Chemistry Letters, 2008, already of record), demonstrate that similar compounds encompassed by formula II display varying pharmacodynamic properties. See Tables 1-3 and compare compounds 22, 24, 38, and 39 (which inhibit cortisone conversion) to compounds 4, 5, 25, 33, 36, 40, 43, 48, and 49 (which have no effect or negative inhibition). In the Balkovec Declaration, filed on 12/01/2009, Applicants have demonstrated that 7 of the 10 claimed diaryltriazole compounds are effective 11 $\beta$ -HSD-1 inhibitors in the assay disclosed in the instant specification. Thus, all ten compounds of Claim 23, as amended by Examiner's Amendment (see above), are considered enabled for a method of inhibiting 11 $\beta$ -HSD-1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Zarek whose telephone number is (571) 270-5754. The examiner can normally be reached on Monday-Thursday, 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brandon Fetterolf can be reached on (571) 272-2919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PEZ

/San-ming Hui/  
Primary Examiner, Art Unit 1628